

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:11-CR-167-RJC-DCK**

UNITED STATES OF AMERICA,)	<u>ORDER OF CONTINUING GARNISHMENT</u>
)	
Plaintiff,)	
)	
v.)	
)	
KELLY OSBORNE,)	
)	
Defendant,)	
)	
and)	
)	
MCLANE FOODSERVICE, INC.,)	
)	
Garnishee.)	

THIS MATTER IS BEFORE THE COURT on the Answer of McLane Foodservice, Inc., as the Garnishee. Judgment in the criminal case was filed on February 2, 2012 (Document No. 15). As part of that Judgment, the Defendant, Kelly Osborne, was ordered to pay an assessment of \$100.00 and restitution of \$97,953.05 to the victims of the crime. Id.

On September 29, 2023, the Court entered a Writ of Continuing Garnishment (“Writ”) (Document No. 39) as to the Garnishee, McLane Foodservice, Inc. The Defendant was served with the Writ and Instructions notifying her of her right to request a hearing on October 4, 2023. The Garnishee was served with the Writ and Instructions on October 10, 2023. The Garnishee filed an Answer on October 30, 2023 (Document No. 42) stating that at the time of service of the Writ, the Garnishee had in its custody, control, or possession property or funds owned by the Defendant, including non-exempt, disposable earnings. The Garnishee certified that it served the Answer on the Defendant on October 23, 2023. The Defendant did not request a hearing, and the statutory time to do so has elapsed.

IT IS THEREFORE ORDERED that an Order of Continuing Garnishment is hereby **ENTERED** in the amount of \$73,802.70 computed through September 28, 2023. The Garnishee shall pay the Plaintiff, United States of America, up to the lesser of:

1. twenty-five percent (25%) of the Defendant's disposable earnings which remain after all deductions required by law have been withheld, or
2. the amount by which the Defendant's disposable earnings for each week exceed thirty (30) times the federal minimum wage.

See 15 U.S.C. § 1673(a). The Garnishee shall continue payments until the debt to the Plaintiff is paid in full or until the Garnishee no longer has custody, possession, or control of any property belonging to the Defendant or until further Order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to:

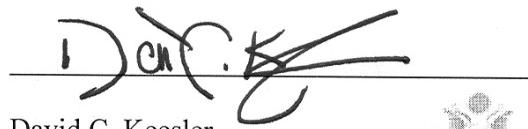
Clerk of the United States District Court
401 West Trade Street
Charlotte, North Carolina 28202

To ensure that each payment is credited properly, the following should be included on each check:
Defendant's Name Kelly Osborne Court Number DNCW3:11CR0000167.

IT IS FURTHER ORDERED that the Garnishee shall advise this Court if the Defendant's employment is terminated at any time by the Garnishee or the Defendant.

IT IS FURTHER ORDERED that the Plaintiff shall submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment the Defendant would normally receive may be offset and applied to this debt.

Signed: December 13, 2023



David C. Keesler
United States Magistrate Judge
